



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Imposition of continuing requirements by verifiers*

### **23 Discharge and variation of continuing requirements imposed by verifiers**

- (1) A verifier must—
- (a) on an application made to it for discharge of a continuing requirement imposed under section 22, discharge the continuing requirement if satisfied that—
    - (i) the building in relation to which the requirement was imposed complies with building regulations (as they apply at the time of the application), and
    - (ii) the requirement is no longer necessary for securing that the purposes of the provision of building regulations to which it relates are not frustrated,
  - (b) on an application made to it for variation of a continuing requirement imposed under that section, make the variation if satisfied that—
    - (i) the building in relation to which the requirement was imposed complies with building regulations (as they apply at the time of the application), and
    - (ii) the variation will not result in the purposes of the provision of building regulations to which the requirement relates being frustrated.
- (2) References in this Act to continuing requirements imposed under section 22 include such requirements as varied under this section.
- (3) Continuing requirements imposed in relation to a building under section 22 cease to have effect if—
- (a) a building warrant is granted in respect of the building, or
  - (b) a completion certificate submitted under section 17(4) in respect of the building is accepted.

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*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 23. (See end of Document for details)*

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- (4) Subsection (3) does not affect the power of the verifier to impose further continuing requirements in relation to the building under section 22 on granting the building warrant or, as the case may be, accepting the completion certificate referred to in subsection (3).

**Annotations:**

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**Commencement Information**

**I1** [S. 23](#) in force at 1.5.2005 by [S.S.I. 2004/404](#), [art. 2\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 23.